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MEMO ENDORSED

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January 15, 2008

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Our File: D736

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The Honorable P. Kevin Castel
United States District Court Judge
Southern District of New York
United States District Court
500 Pearl Street
New York, New York 10007

Re: **Berlain v. ESC Trading**
07 Civ. 10510

Dear Judge Castel:

We represent the plaintiff in the referenced Rule B matter which is scheduled for a Initial Pre-Trial Conference before your Honor tomorrow at 9:45. We believe a conference at this time would be unproductive, for the following reasons:

We have attached approximately \$72,500, which fully secures plaintiffs claim. The defendant has not appeared in the action, and most likely will not. It is my understanding that there have been discussions between the parties on how to resolve the matter amicably. Accordingly, we respectfully request that the Initial Pre-Trial Conference be adjourned for 45 days. We hope that before that time we can advise that Court that the matter has been resolved.

Respectfully submitted,


William R. Bennett, III

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A February at
SO ORDERED
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USDS
1-15-08*